

Order

Michigan Supreme Court
Lansing, Michigan

March 29, 2016

Robert P. Young, Jr.,
Chief Justice

151840 & (15)

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 151840
COA: 325814
Wayne CC: 81-006517-FC

TIMOTHY KINCAID,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 4, 2015 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we GRANT the defendant's motion to lift the Wayne Circuit Court's November 4, 2013 stay (abeyance) order, VACATE the sentences of the Wayne Circuit Court on the defendant's three first-degree murder convictions, and REMAND this case to the trial court for resentencing on those convictions pursuant to MCL 769.25 and MCL 769.25a. See *Miller v Alabama*, 567 US ____; 132 S Ct 2455; 183 L Ed 2d 407 (2012); *Montgomery v Louisiana*, 577 US ____; 136 S Ct 718; 193 L Ed 2d 599 (2016).

We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 29, 2016


Clerk